



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

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August 10, 2005

Sent via e-mail, hand delivery and/or U.S. mail

Mary L. Cottrell, Secretary  
Massachusetts Department of Telecommunications and Energy  
One South Station, 2nd Floor  
Boston, MA 02110

Re: KeySpan Energy Delivery New England, D.T.E. 05-40

Dear Secretary Cottrell:

Enclosed for filing please find the Attorney General's First Set of Document and Information Requests to KeySpan Energy Delivery in this docket. Thank you for your kind attention in this matter.

Sincerely,

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Jennifer S. Cargill  
Assistant Attorney General

JSC/jc  
Enc.

cc: Carol Pieper, Hearing Officer  
service list

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**KEYSPAN ENERGY DELIVERY NEW ENGLAND**

**D.T.E. 05-40**

**ATTORNEY GENERAL'S INSTRUCTIONS FOR RESPONDING TO ALL  
DOCUMENT AND INFORMATION REQUESTS IN THIS PROCEEDING**

**INSTRUCTIONS**

1. Use these instructions for responding to all discovery requests by the Attorney General. These Document and Information Requests call for all information, including information contained in documents, which relates to the subject matter of the requests and which is known or available to the KeySpan Energy Delivery New England ("Company") or to any individual or entity sponsoring testimony or retained by the Company to provide information, advice, testimony or other services in connection with this proceeding.
2. Where a Request has a number of separate subdivisions or related parts or portions, a complete response is required to each such subdivision, part, or portion. Any objection to a Request should clearly indicate the subdivision, part, or portion of the Request to which it is directed.
3. If information requested is not available in the exact form requested, provide such information or documents as are available that best respond to the Request.
4. These requests are continuing in nature and require supplemental responses when further or different information with respect to the same is obtained.
5. Each response should be furnished on a separate ***DATED*** page headed by the individual Request being answered. Individual responses of more than one page should be stapled or bound and each page consecutively numbered.

6. Each Document and Information Request to "Please provide all documents..." or similar phrases includes a request to "identify" all such documents. "Identify" means to state the nature of the document, the date on which it was prepared, the subject matter and the titles and the names and positions of each person who participated in the preparation of the document, the addressee and the custodian of the documents. To the extent that a document is self-identifying, it need not be separately identified.
7. For each document produced or identified in a response which is computer generated, state separately (a) what types of data, files, or tapes are included in the input and the source thereof, (b) the form of the data which constitutes machine input (e.g., punch cards, tapes), (c) a description of the recordation system employed (including descriptions, flow charts, etc.), and (d) the identity of the person who was in charge of the collection of input materials, the processing of input materials, the data bases utilized, and the programming to obtain the output.
8. If a Document and Information Request can be answered in whole or part by reference to the response to another Request served in this proceeding, it is sufficient to so indicate by specifying the other Request by participant and number, by specifying the parts of the other response which are responsive, and by specifying whether the response to the other Request is a full or partial response to the instant Request. If it constitutes a partial response, the balance of the instant Request must be answered.
9. If the Company cannot answer a Request in full, after exercising due diligence to secure the information necessary to do so, state the answer to the extent possible, state why the Company cannot answer the Request in full, and state what information or knowledge is in the Company's possession concerning the unanswered portions.
10. If, in answering any of these Document and Information requests, you feel that any Request or definition or instruction applicable thereto is ambiguous, set forth the language you feel is ambiguous and the interpretation you are using responding to the Request.
11. If a document requested is no longer in existence, identify the document, and describe in detail the reasons the document is unavailable.
12. Provide copies of all requested documents. A response which does not provide the Attorney General with the responsive documents, and requests the Attorney General to inspect documents at any location is not responsive.
13. If you refuse to respond to any Document and Information Request by reason of a

claim or privilege, or for any other reason, state in writing the type of privilege claimed and the facts and circumstances you rely upon to support the claim of privilege or the reason for refusing to respond. With respect to requests for documents to which you refuse to respond, identify each such document.

14. Each request for information includes a request for all documentation which supports the response provided.
15. Provide three (3) copies of each response.
16. The terms the “Company” or any other legal entity referenced shall be read to include any director, partner, board member, executive, employee, independent contractor, all witnesses, representatives, legal counsel or consultants of the named organization, unless the request specifically provides otherwise.
17. Please furnish each response on a separate sheet of paper, beginning with a restatement of the question.

August 10, 2005

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DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**KEYSPAN ENERGY DELIVERY NEW ENGLAND**

**D.T.E. 05-40**

**ATTORNEY GENERAL'S FIRST SET OF  
DOCUMENT AND INFORMATION REQUESTS**

- AG-1-1      Please provide the ownership share that KeySpan (or any affiliate) holds in the Iroquois Pipeline. Provide the changes in KeySpan's (and any affiliate) ownership from the date the Iroquois project was announced to the present day.
- AG-1-2      Please provide the ownership share KeySpan (or any affiliate) holds in the Portland Natural Gas Pipeline. Provide the changes in KeySpan's (and any affiliate) ownership from the date the Portland Natural Gas Pipeline project was announced to the present day.
- AG-1-3      Please provide the ownership share KeySpan (or any affiliate) holds in the Millennium Pipeline. Provide the changes in KeySpan's (and any affiliate) ownership from the date the Millennium Pipeline project was announced to the present day.
- AG-1-4      Please provide a description of the Millennium Pipeline and a status report on its progress. Include the interconnection points and names of the interconnecting pipelines. Identify the Company's capacity entitlements on each connecting pipeline.
- AG-1-5      Please confirm that Union Gas Ltd. is wholly owned by Duke Energy, the owners of the Algonquin Pipeline and pipeline and gathering systems in western Canada (Westcoast Energy).
- AG-1-6      Does the Company currently purchase, or expect to purchase gas supplies or transportation services from Duke Energy Canadian affiliates? If yes, please describe, in detail the purchases.
- AG-1-7      Does the Company currently purchase and plan to expand its purchase, or expect

to purchase transportation services from Iroquois Pipeline? If yes, please describe, in detail the purchases and how the plans are related to gas supply purchases at Dawn or Waddington.

- AG-1-8      Does the Company currently purchase and plan to expand its purchase, or expect to purchase transportation services from Portland Natural Gas Pipeline? If yes, please describe, in detail the purchases and how the plans are related to gas supply purchases at Dawn or Waddington.
- AG-1-9      Does the Company currently purchase and plan to expand its purchase, or expect to purchase transportation services from the Millennium Pipeline? If yes, please describe, in detail the purchases and how the plans are related to gas supply purchases at Dawn or Waddington.
- AG-1-10     Please provide a status report on the Enron contracts that were turned back to the Company by the bankruptcy court. Provide the 2004 monthly cost and revenues associated with these contracts. Include the amount charged customers through the CGA and the amount of any margin shared with the shareholders. Provide all supporting documentation, workpapers, calculations and assumptions, the associated gas costs, delivery and receipt points, and include the actual monthly volumes that were delivered on these contracts.
- AG-1-11     Please explain the affect, if any, the proposed contracts will have on the ability of the Company to mitigate the costs of the Enron contracts.
- AG-1-12     Please provide copies of all Department orders approving contracts that include financial liabilities similar to those included in the proposed agreements.
- AG-1-13     What is the Company's contingency plan if the Union expansion is delayed or is not completed? Explain how the Company would recover costs associated with the Union project and the related TransCanada project, assuming the Union piece is not completed and the TransCanada piece is completed.
- AG1-14      What is the Company's contingency plan if the TransCanada expansion is delayed or is not completed? Explain how the Company would recover costs associated with the TransCanada project and the related Union project, assuming the TransCanada piece is not completed and the Union piece is completed.
- AG-1-15     As the result of purchasing gas at Dawn rather than at Waddington, will the Company have any stranded costs? If yes, please explain what costs will be stranded, what is the estimated annual cost to customers for these potential costs and what measures will the Company undertake to mitigate these costs?

- AG-1-16 Why are there separate contracts for each of the KeySpan companies?
- AG-1-17 Please describe the facilities that must be constructed and/or modified by Union and provide the most recent estimated cost and timeline for completion of the facilities.
- AG-1-18 Please describe the facilities that must be constructed and/or modified by TransCanada and provide the most recent estimated cost and timeline for completion of the facilities.
- AG-1-19 Please provide a status report regarding the progress to date of the Union and TransCanada project related efforts. Explain any changes from the original schedules and cost estimates.
- AG-1-20 How will the proposed arrangements affect the Company's mandatory capacity assignment programs?
- AG-1-21 How will the proposed contracts be managed--as part of the portfolio managed by Merrill Lynch or totally within the Company's control? If within the asset manager's control, did the Company consult with the asset manager prior to making the decision to go forward with this plan? If the Company did consult with the manager, provide copies of all communications between the Company (employees, affiliate employee, consultants or others representing the Company) and the asset manager regarding any changes to Canadian gas purchases and transportation.
- AG-1-22 Will the Company share with the asset manager any optimization savings related to the proposed supply arrangements? If yes, please describe the basis for any potential sharing. Will the total amount of the Company's share of these shared savings be passed on the customers or will the Company pass some or all of these savings on to shareholders? Please provide copies of the Department's approval of the proposed treatment of shared savings.
- AG-1-23 Refer to Exhibit JEA-16. Please explain the document and whether the Company is seeking Department approval of this agreement.
- AG-1-24 Please provide a copy of the Management Services Agreement referred to on second page of Exhibit JEA-16.
- AG-1-25 Please explain whether the Company, through its alliance with the ANE group, intends to increase its commodity purchases. If yes, please explain the strategy and how it is consistent with the Company's supply plan approved by the Department.

Date: August 10, 2005

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**D.T.E. 05-40**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated by the Secretary on the official service list by either hand delivery, mail, and/or e-mail.

Dated at Boston this tenth day of August, 2005.

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Jennifer S. Cargill  
Assistant Attorney General